February 18, 1970

Dear Harold,

I'm going to put a legal problem to you in this letter, and I would like to hear your comments on it.

Suppose Specter adduces testimony from Humes which is clear and unambiguous, but is perjurious. We have no way of knowing if he ((Specter) was aware of this fact at the time he adduced the testimony. However, let's say a week later he adduces more testimony from other sources which conclusively proves that the prior testimony was perjurious. Let's also say that shortly after he adduced the perjurious testimony from Humes, he made and obvious and concious efforts to see if the Humes testimony was correct or false. Add to this one more thing: after learning or attempting to determine if Humes committed perjury, he does absolutely nothing about it.

Has Specter, in this hypothetical situation, committed a crime of any sort? Is the subbornation of perjury only valid when the lawyer taking the testimony knowingly lets perjurious testimony go on the record? Or can it count for testimony which has already been taken but has conclusively and conciously been determined perjury in the record?

Do you see the thrust of my questions? Perhaps you can check with Bud on this. Assuming that the situation I gave you is true, I would like to know if there are any charges that can be pressed against Specter, which could even get him into court now.

I might as well add another related circumstance. If Specter knowingly subborned perjury from Shaneyfelt, has Specter committed a punishable crime? In such a situation, I ask again if he could be brought to court for that.

Please excuse the elliptical nature of this letter, but I would like somewhat of a legal background on these things before I make any public accusations which could be very damaging.

Still,

Howard